



General Assembly

February Session, 2008

Amendment

LCO No. 6437

SB0060506437HDO

Offered by:

REP. SPALLONE, 36th Dist.

REP. ORANGE, 48th Dist.

SEN. DAILY, 33rd Dist.

REP. O'CONNOR, 35th Dist.

REP. O'ROURKE, 32nd Dist.

To: Subst. Senate Bill No. 605

File No. 538

Cal. No. 548

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING JUDICIAL BRANCH OPENNESS."

1 Strike section 12 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 12. Section 45a-74 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2008*):

5 [(a) There shall be a Probate Court Administrator who shall be
6 appointed from among the judges of the several courts of probate by
7 the Chief Justice of the Supreme Court to serve at his pleasure. If the
8 Probate Court Administrator is unable by reason of sickness, absence
9 or other disability to perform the duties of his office, or if there is a
10 vacancy in the office of Probate Court Administrator, the Chief Justice

11 shall designate another judge of a court of probate to act in his stead
12 until he resumes his duties or until a new Probate Court Administrator
13 is appointed.]

14 (a) (1) (A) On and after the effective date of this section, whenever
15 there is a vacancy in the office of Probate Court Administrator, the
16 Chief Justice of the Supreme Court shall nominate for appointment by
17 the General Assembly a Probate Court Administrator. The nominee
18 shall be a judge of probate.

19 (B) Any Probate Court Administrator serving in such capacity on or
20 after the effective date of this section shall serve at the pleasure of the
21 Chief Justice for a term coterminous with the term of the Chief Justice
22 and until a successor is appointed and has qualified.

23 (C) A Probate Court Administrator may be nominated for
24 additional terms as Probate Court Administrator in accordance with
25 this section.

26 (2) A nomination made by the Chief Justice to the General Assembly
27 for appointment of a Probate Court Administrator shall be referred,
28 without debate, to the committee on the judiciary, which shall report
29 thereon within thirty legislative days from the time of reference, but no
30 later than seven legislative days before the adjourning of the General
31 Assembly.

32 (3) Each appointment of the Probate Court Administrator shall be
33 by concurrent resolution. The action on the passage of each such
34 resolution in the House and in the Senate shall be by vote taken on the
35 electrical roll-call device. No resolution shall contain the name of more
36 than one nominee.

37 (4) Notwithstanding the provisions of section 4-19, no vacancy in
38 the position of Probate Court Administrator shall be filled by the Chief
39 Justice when the General Assembly is not in session unless, prior to
40 such filling, the Chief Justice submits the name of the proposed
41 vacancy appointee to the committee on the judiciary. Within forty-five

42 days, the committee on the judiciary may, upon the call of either
43 chairperson, hold a special meeting for the purpose of approving or
44 disapproving such proposed vacancy appointee by majority vote. The
45 proposed vacancy appointee shall not begin service as Probate Court
46 Administrator until the committee has approved such proposed
47 vacancy appointee. If the committee determines that it cannot
48 complete its investigation and act on such proposed vacancy appointee
49 within such forty-five-day period, it may extend such period by an
50 additional fifteen days. The committee shall notify the Chief Justice in
51 writing of any such extension. Failure of the committee to act on such
52 proposed vacancy appointee within such forty-five-day period or any
53 fifteen-day extension period shall be deemed to be an approval.

54 (5) Prior to a public hearing on a Probate Court Administrator, the
55 committee on the judiciary may employ a person to investigate, at the
56 request of the chairpersons of the committee, the Probate Court
57 Administrator nominee with respect to the suitability of such nominee
58 for administrative office. Such investigator shall report the
59 investigator's findings to the committee and any such report shall be
60 confidential and shall not be subject to public disclosure. Such
61 investigator shall receive such compensation as may be fixed by the
62 Joint Committee on Legislative Management for each day such
63 investigator is engaged in his or her duties as an investigator.

64 (6) Any Probate Court Administrator who is not nominated for
65 appointment pursuant to this subsection, or who is not approved by
66 the General Assembly pursuant to this subsection, may continue to
67 serve as a judge of probate until the expiration of his or her term as a
68 judge of probate.

69 (b) The Probate Court Administrator shall devote full time to the
70 duties of [his] the office except that [he] the Probate Court
71 Administrator may serve as a judge of probate but shall not engage in
72 the private practice of law. Any Probate Court Administrator who
73 ceases to serve as a judge of probate may continue to serve as Probate
74 Court Administrator at the pleasure of the Chief Justice for a term

75 coterminous with the term of the Chief Justice."